## Remarks

Claims 11-16 and 18 remain pending in this application after entry of this paper.

According to the pending claims, the traditional television program broadcast signal is received at the head end for broadcast distribution to the end users. A buffered storage queue is established at the head end and receives the signal. The stream transmitted from the head end passes through a hub and through a node to reach an end user. The stream is derived from the traditional television program broadcast signal. The stream originates from a user selected playback point in the buffered storage queue. In this way, the traditional television broadcast signal is distributed to the user. The user selection of the playback point allows the user to manipulate an otherwise traditional television program broadcast signal.

Claims 11-15 and 18 stand rejected over Atalla (U.S. Patent No. 5,832,287) in view of Lawrence (U.S. Patent No. 5,555,277). Claim 16 stands rejected over Atalla in view of Lawrence further in view of Logan (U.S. Patent No. 5,371,551). In making the rejections, the Examiner takes official notice that local manipulation of traditional television signals, not limited to VOD, is well known in the art to provide a user with the ability to rewind or pause a program.

Applicants have previously presented arguments to explain that there is no suggestion or motivation to modify Atalla to achieve the claimed invention. The Examiner has acknowledged that Atalla fails to disclose manipulating a traditional television program whereby the traditional television broadcast signal is distributed to the user and wherein the user's selection of the playback point allows the user to manipulate an otherwise traditional television signal. The Examiner attempts to overcome this deficiency by taking official notice. In response to Applicants' request for a reference to support the official notice taken, the Examiner cites Huizer (U.S. Patent No. 5,873,022). Huizer does not support the official notice taken and does not overcome the acknowledged deficiency of Atalla.

Huizer is directed toward a video on demand server and method of receiving compressed video signals using a latency buffer during pause and resume. Huizer does describe pause and resume commands and the interaction thereof with a VOD server. Huizer does not address the deficiency of Atalla and Huizer does not suggest manipulating a traditional television program broadcast signal whereby the traditional television broadcast signal is distributed to the user and wherein user selection of the playback point allows the user to manipulate an otherwise traditional television broadcast signal.

The various teachings relied on by the Examiner are not used for manipulating traditional program broadcast signals, but are used for video on demand applications.

In Atalla, traditional television program broadcasting is indicated at network program gateway 100 and network programs 102. As explained by Atalla, network program gateway 100 switches any real time video program, such as a network broadcast program, directly to a user without involving the interactive video on demand system (see col. 8, lines 9-12). On the other hand, Huizer (relied on by the Examiner to support the official notice) describes pause and resume commands and relates to the reception of MPEG encoded television signals from a VOD server. Thus Huizer also describes approaches used for video on demand applications, does not address the deficiency of Atalla and does not describe manipulating traditional television program broadcast signals as recited by Applicants' claims.

Applicants believe that Huizer does not support the official notice taken, and Applicants request that the Examiner produce further authority for the official notice by providing further documentary evidence of any specific facts that are believed to be common knowledge.

Even if the Examiner were to provide documentary evidence to support the official notice taken, there is still no suggestion or motivation to modify Atalla to achieve the claimed invention. There is no suggestion that the microcell distribution technique of Atalla would even be appropriate for distributing traditional television program broadcast signals.

After all, such a combination would be in contrast to Atalla. As well, the "local manipulation" noted by the Examiner does not comprehend the specific approach taken by the claimed invention.

In the final action, in response to Applicants' arguments that there is no motivation to modify Atalla to achieve the claimed invention, the Examiner respectfully disagrees. The Examiner states that "a variety of programming including but not limited to traditional television broadcast programs would have provided more options to a user which would enhance the interactive experience by providing VCR type functions for traditional television programs as well as providing a user with more control and interactivity with respect to traditional television programs. As a result, Applicants' arguments are not persuasive."

Atalla describes a video on demand distribution system and method including a number of community systems wherein a particular community system includes moving memory modules, a microcell access switch, and a number of microcells. In the Atalla approach, the microcell is used to control the sending of the video to the user after the demanded video is present in the moving memory modules. The moving memory modules cyclically distribute the entire set of programs. Because in the Atalla architecture the microcell controls sending of the video to the user after the demanded video is present in the moving memory modules, it is not clear that the Atalla approach would be usable for traditional television program broadcast signals. After all, it may not be possible to properly load the moving memory modules with traditional television program broadcast signals as required by the Atalla system.

As explained by Atalla, network program gateway 100 switches any real time video program, such as a network broadcast program, directly to a user without involving the interactive video on demand system. This is because the video on demand system is not designed to accommodate traditional television program broadcast signals. There is no motivation to make modifications to do so, and there is no suggestion that it would even be possible to make modifications to Atalla to achieve the claimed invention.

Lawrence fails to overcome the shortcomings noted above. Accordingly, the invention is believed to be patentable. Claims 12-15 are dependent claims and are also believed to be patentable.

Regarding claim 16, claim 16 is a dependent claim and is also believed to be patentable. Further, Logan fails to address the shortcomings of the other applied references.

Respectfully submitted,

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